vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1332 OF 2005

M/s.Supekar Saree Centre ... Petitioner

V/s.

Smt.Shakuntala Narayan Gavande & Anr. ... Respondents

Mr.P.N. Joshi for Petitioner
Mr.N.R. Bubna for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 5, 2005**

P.C.:

. The Petition seeks to challenge the order disallowing the amendments to the written statement. The Plaintiffs have filed the suit on the ground of bonafide requirement of the suit premises. According to the Defendant, the Petitioner herein, there are certain contentions which were required to be pleaded in the written statement which had remained to be raised due to oversight. These contentions are with regard to the fact that the bonafide requirement for the suit premises not being in existence at the institution of the suit; and that ejectment was sought only with the intention to give the suit premises to some another person on higher rent, after obtaining possession.

2. This application has been rejected by the trial

Court on the ground that the application was filed with an intention to create obstruction in proceeding smoothly with the trial.

3. Heard advocates. In my view, the order of the trial is required to be set aside. The Petitioner has contended that the suit premises were not required by the landlord reasonably and bonafide when the suit was instituted and that they are not required today as well. Furthermore, the contention is that the suit property is required in order to let the same out on a higher rent to some others. These pleadings are required to be on record if the defendant is to be permitted to lead evidence to establish that the suit premises were not bonafide required by the landlord. In my view, therefore, the application must be allowed, subject to payment of costs quantified at Rs.3,000/-. Amendments to be carried out within two weeks from today. Since the suit is of the year 1996, the suit shall be heard and disposed off by 31.5.2006.

4. Writ Petition is disposed off accordingly.